Pet 7 141-92.

G. R. S. IX-5]

Previous references.

1891-92

192 .

(L R)

File No. 154

Serial Nos. 1-4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4.

Part B for october 92.

SUBJECT.

Appeal of Moonisamiah of Mogalahalli, Srinivaspur Taluk regarding the Shanbhogue of the said village.

To The Deputy Commissioner, Kolar District

No. 3332 / 141-92 / dt. 2-9-92.

Directs that the appelant may be restored to office and the money paid by the respondent being refunded to him

Indexed

WD 2233—GPB—20,000—14-6-20

1

(7)

L. S. 1/Th. No 77 of 1892-92

Appt

Munesamiah
of Mogalhalli
Archives apeir Subdary
Kolar Dt

Respt

Tippireddi

Appt was the Shanbhog of Mogalhalli. He fell into arrear of Govt Revenue & all his lands & house were sold. The sale proceed in Govt Rs 309-15-4. The Respt who is a stranger ~~paid the~~ having agreed to pay the ~~money~~ balance sum, the Dy Com removed the appt from the office of Shanbhog & appointed Respt in his place. The Respt however not being qualified to the ~~Completion~~ duties of the office, he was allowed to appoint a gumasta.

Appt appeals against the dismissal. The Govt consider that the dismissal of the Shanbhoga for non payment of arrears was unwarranted, Inadequate ~~Govt~~ might be a ground for dismissing a Patel from office & not a Shanbhoga

who has no charge of money —
He should be
forthwith restored to office, the money
paid by the Respt being refunded to
him. — If the money cannot be
recovered from the appt immediately
by the sale of any property belonging
to him, the Dft can recover
it by small instalments from his
Postal allowance.

23/8/92

I do not think a hearing
is necessary in such a
case like this — but if
Mr J. Chaffey desires it is
necessary, a date
may be fixed

3

(General Serial No. 32.)

189 .

(2)

L.R.

Appeal is within time.
Petition properly stamped.
Copy of the order appealed against is produced.
L.R 154-91-1
Standing in Office under para 1 Rule 1 of Govt Rules.
Submitted to the Council.
20th Sept/91 AA

No. 1105

Name of Petitioner. Maniamanick

Village. Nagalapadi

Taluk. Sreenivasapur

District. Kolar

Date of Arzi. 20 . 8 . 91

Date of Receipt. 22 . 8 . 91

Date of Disposal.

No. of Enclosures. 1

3

ABSTRACT.

Petitioner states t
though there was no wi
in the land and possess
was to be paid hand
from the year Dhatri
year Chitrabhanu, hav
sold all the corn, jewel
and everything he had
and thus became very poo
Since then he failed to p
the kandayam, viz Rs 62:
for Swabhanu, Rs 130: 8:
for Parthiva, Rs 126: 1:
for Dharana, and Rs 56: 2
contribution for erecting
Survey bhands. Govern
then took away the lands
from his possession.

2. Petitioner received

der from the Treasury officer
ating that he had been
spended from the Shan-
que-chy for not having
id his arrears Vi: Rs 5:8:3:6
cluding the Kandayam
the years Vyaya and Sau-
ri, and that the Shan-
que's duties will be dis-
harged by another person.

When petitioner request
the amildar of the Taluk
kyphiat was taken to the
ect that, (a) he is bound to
y the amount of Rs 3,5:3:1
3197:2:7 Kandayam for 3 years
d Rs 56:2:6 Contribution for
ching Shands), that (b) he
uld pay the excess amount
ter realizing the sum obtai
by selling his lands, (c) he
d not pay the Kandayam
the two years during which
nds were under Government
nagement, (d) and that some
would pay the amount the
hanboque duties should be
nformed by his brother
Kowdappah.

When petitioner appealed
the Deputy Commissioner stat
ng that the amildar had
right to ask the Kandaya
n of these two years, he
ceived an endorsement

4

to say that he consented to
the auction sale and must
therefore pay. Petitioner
accordingly went to
Chamrajpatnam to raise
money and fell ill there
meanwhile his house
was sold in the public
auction for Rs. 200:0:0. After
his return he came to
know that he had to
pay the whole amount
including the Kandayam
for the two years the lands
were in charge of the
Government and that the
Shanbogueship would
be given to any that
would pay the arrears.
Thippa Reddi son of
Ayappa Reddi Patel, an
enemy of petitioner, con-
sented to pay the whole
amount and paid the
money; the Shanbogue-
-ship accordingly was
registered in his name
and now the work is dis-
-charged by him.

5- Petitioner appealed
to the Deputy Commissioner
on 23.7.99 requesting
investigation into his case
for which he received

an endorsement to the effect that his petition was not stamped and therefore rejected. Then he submitted a petition duly stamped with Court on the 19.12.89 one on the 29.7.90, one on the 20.3.91 and the last on 15.4.91 and received an endorsement No 22 of dated 22 31st May 1891 on 15.7.91, herewith enclosed.

The Deputy Commissioner issued an order stating that petitioner should pay the arrears for not paying the amount his hereditory Chanliqueship was given to another person unjustly.

Prays that he may be restored to his appointment and the Kandayam for two years the lands were under attachment may be remitted.

28/10/91

B Subba Rau

7

Translation of an docume
No 22 dated 31st May 189
given by the Deputy
Amildar Sreenivasapur
Taluk.

"On your application
to the Deputy Commissio
stating that you were
suspended for failing
to clear up your Kam
-am arrears and requ
-ested that your brother
might be permitted to
discharge the Kiran-
kague duties till the
payment of the said
arrears by you, the Deputy
Commissioner in his Order
No 167 dated 30-3-9: direct
to give you an endorsement
2. The arrears due by you
for 4 years from Vyaya
to Virodhi on account of
Magilanahally ——— 2 : 9 : 3 :/
for Parthiva and
Vyaya on account
of Ganganahally 15 : 1 : 3
Interest and notice fee 63 : 15 : 0
Total 338 : 3 : 4
were demanded in notice
and you did not pay the
money: Your Substitute
Chowdajipah was unwilling

Thippa Reddi son of Ayyappa Reddi of Palya consented to pay your arrears. The matter was accordingly reported to the Deputy Commissioner who directed in order No 205 dated 31/7/10 that if Thippa Reddi paid the money due by you the Shanbogueship may be registered in his name.

As Thippa Reddi paid the money it was directed by the Deputy Commissioner that Chowdappah should be permitted to perform the duties of Shanbogue only till the current years Jamabundy is over and that in accordance with orders already passed the Shanbogueship should be disposed of to which effect the Sheristadar has been instructed.

Your request cannot therefore be granted.

cpd. b.g.

23/10/11 Bellary

No. 1105

Dated

From

To

Subject:

12

Ir. 148 To

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

L.R 154-91-2

The accompanying Petition No. 1105 dated 2nd Sept 91 received at the Dewan's Office from Narasimacharlu, Mysore Resident's Peon,

is forwarded, together with its enclosures, to the Dy Commr, Tumkur Dist, for enquiry & Report & Precis thereof.

By Order,

Chief Secretary.

BANGALORE, 7/11/1891.

Drafted as per Cordn. Mk.

Case of a Sharbhog deprived of his Mir for non-payment of a/c arrears

Submitted to the Council with further notes.

Records not completely received (Please see notes written).

21/4/92

L.R 154-91-3

N 13

(General Serial No. 31).

1892. P. 1

From The Deputy Commissioner Kolar District.

To The Chief Secretary to the Durbar of Mysore.

Dated 6th April 1892

Despatched

Received

Enclosures No.

General No. 106

No. 23.

His official Memorandum No. 48 of the 7th November last forwarding for submission proceedings and a precis thereof a petition from Municipality of Nagilalu Srinivaspur Sub-Taluq.

In returning the enclosures of the above, has the honor to submit herewith as per accompanying ~~first~~ the proceedings of the case together with a precis thereof.

for Deputy Commissioner

Peon Dept

Mm 11/4/92

131
12-4-92

6/-

Precis of Proceedings connected with Petition Regd No: 113 addressed to the Dewan by Manisamaiah of Mogilahalli, Srinivaspur Sub-Talug[q] -

The Petitioner Manisamaiah was the Shanbogh of Mogilahalli in the Tasalda Hobli of the Srinivaspur Sub-Talug[q]. He owned lands in the Villages of Mogilahalli, Palya, and Gangawalalli - He had to pay very heavy arrears viz: Rs 748-10-7. to Government from Swabhanu to Sarvadhari, including boundary mark charges and contribution. He was under Suspension for non-payment of the arrears. His holdings were attached and sold by the Deputy Amildar in satisfaction of the Government dues; but full amount was not realized.

Dy: Amildar's arzi No: 149
Dated 12th Feby: 1889 16
the Dy: Asst: commissioner

The Deputy Amildar reported that a sum of Rs 248-7-0 was realized by the sale of the holdings of the Petitioner and a sum of Rs 500-3-1 was still due.

That the Petitioner had a house measuring 24 Ans Kanams in the Mogilahalli village, but it was not sold as he had no other house to live in.

That his prayer was that he was ready to arrange to pay the amount which might become still due

after deducting the amount realized from the sale up to the Year Parthiva 2-e- the Years in which he was 85/86 in possession of the lands & that he was not liable to pay the arrears from Vyaya and subsequent arrears as the lands were under attachment and as he was not in possession of them;

That the Petitioner's brother Chowdappa was as a temporary measure appointed to do the duties;

That the Petitioner having lost all his lands by sale was in a poor circumstance and he prayed for the cancelment of his suspension; and

That his prayer deserved consideration and orders solicited.

The Assistant Commissioner confirmed the sale of the lands. He directed that the produce of the lands while under attachment which was stated to have been kept in the lands of the ryots be sold and credited; that the balance of Rs 138-11-4 which was still due up to Parthiva be recovered from the Petitioner; and that the matter of his suspension had been referred to the Deputy Commissioner and that his brother might act for him in the meantime. {The Tryl: Asst: Comr's order No: 125 & 28.2.89.

The Deputy Amildar reported that Munisamaiah failed to pay up the sum of Rs 138-11-4 being the {The Dy: Amrs: corrs No: 36 & 5.7.89.

the outstanding arrears of Rs 16 for Huiva as promised by him though duly served with a notice and that he was reported to have gone to Chennapatnam district; that the realization from the sale of the produce of the lands while under Government management came only to 9-7-0, which if added to the sale proceeds of lands etc would come to Rs 257. 14. 6.

That gangam Subbaiah, with whom the paddy grown on the Petitioner's wet lands during the year Vya was stated to have been kept by the absconded Shekha denied the fact;

That as the Petitioner failed to set up to his promi his house also would be sold for the arrears if permitte

That Munisamaiah's brothers Cheowdappa and Ramjandappa having appropriated the produce of the lands of certain ryots were objecting to pay their Kandg the Deputy Amildar further suggested the necessity in the interest of the public service of appointing a stranger to the office who would pay up the whole ar- rears in the event of Munisamaiah's heirs not agreeing to make good the outstanding balance and retain their lawful to the office.

The Dy. Asst. commrs: order No: 370 of 24. 7. 89. } The Assistant commissioner generally accorded his approval to the proposals of the Deputy Amildar

——— and asked why Cheowdappa was first—

first recommended to do the duties and afterwards 17
to be removed.

{The Dy: Amildary's No: 56 Dt 12-10-89. to the Dy: Asst: Commr:

The Depuly Amildar reported that the house of the Petitioner was sold by public auction for Rs 100 and the arrears still due by Munisamaiah after deducting the sale amount he would be Rs: 245-5-1 and that he professed no means to pay:

that the Petitioner Munisamaiah and his brothers Ranjundappa and Chowdappa having enjoyed the produce of the lands belonging to other ryots, withheld the payment of Kandayam due thereon for several years and though the lands were sold, the full amount was not realized, and that the Petitioner was in possession and enjoyment of certain lands standing in the name of Rajiah Sugar and Ramalingegowda but he failed to pay up the arrears amounting to about Rs 200 and that the records connected with those cases were submitted to the Depuly Commissioner and

that notices were issued to the Petitioner and his brothers; the former was absent and the latter failed to act up to the terms of the notice.

The Assistant Commissioner directed the Depuly Amildar to submit the records for the orders of the Depuly Commissioner

{The Dy: Asst: Commr: Order No: 463: Dt: 16-10-89.

The

The Dy: Amildar Baryi No: 432 Dy 31.10.89 to the Dy Comr

The Deputy Amildar accordingly submitted the records to the Deputy Commissioner for orders

The Dy: Comr's order No: 32 Dy 5.11.89

The Deputy Commissioner Mr: Abdul Rahiman confirmed the sale of the house and directed that either the Petitioner or his Hissedars should pay up the arrears viz Rs 24-5-1 and secure the Shandoghis & if and in the event of their not agreeing to do so the strangers who were willing to pay the arrears should be selected and reported.

The Dy: Amildar's Report No: 73 Dy 20.2.90

The Deputy Amildar reported that the sale proceeds of the house was duly credited to the Petitioner's account that the Petitioner's brothers though duly served with a notice objected to pay up the arrears and they recorded their objection on the back of the notice which was to the following effect that the office was hereditary and that the liquidation of arrears had nothing to do with the right to the office, and that they were too poor to pay the amount - and that the Petitioner was absent and no others came forward to take up the service on condition of paying the arrears.

The Dy: Comr's order No: 4 Dy: 3.4.90

The Deputy Commissioner remarked that the objections recorded by the Petitioner's brothers under neath the notice could not be accepted and observed that Chowdaiah one of the brothers, in his Kaifiyat offered to pay Rs 25-7-11 which was stated to

to be the arrears due up to date of attachment. The Deputy Commissioner rejected this offer as the sale proceeds of the produce of the lands while under attachment were credited to the arrears due prior to the date of attachment and directed that Chowdappa was liable to pay the whole amount and that in the event of his failing to do so the office should be offered to others. ——

Some correspondence passed between this office and the Deputy Amildar, Chowdappa refused to pay more than 50 Rupees. Tippi Reddi son of Eyappa Reddi of Raiya, who knows how to read and write offered to pay the whole arrears due by Menisamaiah on condition of conferring the office on him and permitting him to appoint as his Gumasta one Raja Eyngar of Ambibalii for a period of one year within which time he will get himself acquainted with Survey-amounts &c. Accordingly his offer was accepted. He paid up the whole amount. His name was registered for the Shanbhogi office and he was permitted to appoint his Gumasta for

Subsequent correspondence ending with the Dy: Commrs: orders Nos: 529 & 243 dt 22-1-91 & 2-9-91 respectively.

for one year on his own responsibility, and Chowdiah was made to deliver over charge of the office.

Deputy Commissioner

Submitted —

The Petitioner contends —

(1) that his lands were attached in the year 'Vyaya' (1886-87) for the arrears of assessment 3 years.

(2) that he is not liable to pay the Kandayam for 86-87 & 87-88 when the lands were under attachment & in possession of Govt.

(3) & that he has been deprived of his hereditary office for non payment of the arrears which were not legally due by him.

21

Secs: 54, 55, 56 & 91
of the Land Rev. Co. Law
reference to the case in question.

When the lands were
attached - if not
the exact date known.
No Resp: connected
with the assessment
and the first sale of
the lands, and referred
to in the Auditors
report No: 149 & 12.2.89
have not been sent
up. Nor have they
been referred in the
precis.

Secretary to the
Council =

H
21/4/92

22

Before the Government of *His Highness* the Maharaja of Mysore.

Appeal No. 77 of 1891 92

Appellant.
Veeranna Shetty
Nagathalli,
Srinivasapur Sub Taluk,
Kolar District

Respondent.
Timmareddi

Decision. 28/8/92.

Appellant was the Manbagar of Nagathalli. He fell into arrear of Government Revenue and all his lands and house were sold. He still owed to Government Rs. 309-15-4. The Respondent, who is a stranger, having agreed to pay and paid the above sum, the Deputy Commissioner removed the Appellant from his office of Manbagar and appointed Respondent in his place. The Respondent, however, not being quite competent to do the duties of the office, he was allowed to appoint a gumasta.

2

2 Appellant appeals against the dismissal. The Government consider that the dismissal of the Rambogue for non-payment of arrears was unwarranted. Insolvency ~~Poverty~~ might be a good ground for dismissing a Patel from office and not a Rambogue who has no charge of money. He should be forthwith restored to office, the money paid by the Respondent to being refunded to him. If the money cannot be recovered from the Appellant immediately by the sale of any property belonging to him, the Deputy Commissioner may recover it by small instalments from his Potgi allowance.

29/8/92 "By order"

Chief Secretary

3232 dated 2-9-92
Pet Fi. 14/92

Copy to the Deputy Commr Kolaba with the Revn Proceedings received with his No 106/28 of 6th April last

Redraft

"By order"

Chief Secretary